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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

In re:

TEMBLOR PETROLEUM
COMPANY, LLC,

Debtor-in-Possession.

Case No. 20-11367-A-11
Chapter 11
DC No. LKW-18

Date: April 28, 2021
Time: 9:30 a.m.
Place: Bankruptcy Court – Department A
United States Courthouse
2500 Tulare Street, Fifth Floor
Courtroom 11
Fresno, CA
Judge: Honorable Jennifer E. Niemann

**MOTION FOR ORDER CONVERTING CHAPTER 11
CASE TO CHAPTER 7 FILED BY DEBTOR**

TO THE HONORABLE JENNIFER E. NIEMANN, BANKRUPTCY JUDGE:

The Motion for Order Converting Chapter 11 Case to Chapter 7 Filed by Debtor (“the Motion”) filed by Temblor Petroleum Company (“Debtor”) represents:

1. Debtor filed a Voluntary Petition Under Chapter 11 of the Bankruptcy Code on April 9, 2020. Debtor is an oil and gas production company and Debtor is conducting its business as a “debtor-in-possession”. A trustee has not been sought or appointed to serve in Debtor’s case. The Motion is a core proceeding in which the Bankruptcy Court has jurisdiction to enter a final order and judgment. See 28 USC Sections 157(b)(2)(A) and (O) and 1334. Venue is proper in this Court per 28 USC Section 1409(A).

1 2. Debtor filed a First Amended Disclosure Statement and First Amended Plan of
2 Liquidation on February 3, 2021 and a hearing on approval of the First Amended Disclosure
3 Statement was held on February 24, 2021. The Court did not approve Debtor's First Amended
4 Disclosure Statement and, instead, the Court has ordered Debtor to file a Second Amended
5 Disclosure Statement and Second Amended Plan of Liquidation by April 17, 2021.

7 3. Debtor has determined after consulting with its attorneys that it will be difficult
8 for Debtor to confirm a Plan of Reorganization or Plan of Liquidation in its Chapter 11 case
9 and, for that reason, it is in the best interest of all parties concerned for the Court to convert
10 Debtor's Chapter 11 case to a case under Chapter 7 of the Bankruptcy Code.

11 4. 11 USC Section 1112(a) provides that:

12 “(a) the debtor may convert a case under [Chapter 11] to a case under Chapter 7
13 of this Title unless –

14 (1) the debtor is not a debtor-in-possession,

15 (2) the case originally was commenced as an involuntary case under this
16 Chapter, or
17 (3) the case was converted to a case under this Chapter other than on the

18 debtor's request.”
19

20 Federal Rule of Bankruptcy Procedure 1017(f)(2) further provides that conversion under
21 Section 112(a) “shall be on Motion filed and served as required by Rule 9013”.
22

23 5. In the present case:

24 a. Debtor is a debtor-in-possession in its Chapter 11 case,

25 b. Debtor's case was not originally commenced as an involuntary case
26 under the Bankruptcy Code, and
27
28

1 c. Debtor's case was not converted to Chapter 11 other than on Debtor's
2 request.

3 See Declaration of Philip Bell in Support of Motion for Order Converting Chapter 11 Case to
4 Chapter 7 on file herein.

5 WHEREFORE, Debtor prays that:

- 6
- 7 1. the Motion for Order Converting Chapter 11 case to Chapter 7 be granted and
- 8 2. Debtor be granted such other relief as the Court deems to be just and proper.

9 Dated: March 26, 2021

LAW OFFICES OF LEONARD K WELSH

Leonard K. Welsh

By: /s/ Leonard K. Welsh

LEONARD K. WELSH

Attorneys for Debtor-in-Possession